

Board of Directors Meeting
Board on Aging and Long Term Care
1402 Pankratz St Suite 101
Madison, WI 53704
August 8, 2018

Chair Tanya Meyer called the meeting to order at 9:00 am. It was noted that this meeting was properly noticed under the Open Meetings Notice law.

Members Present: Dr. Dale Taylor Mike Brooks Dr. Valerie Palarski
Tanya Meyer Barbara Bechtel

Members Excused: James Surprise

Staff Present: Heather Bruemmer Kellie Miller Vicki Buchholz
Vicki Tiedeman Jennifer Bielefeldt Sheryl Meyer
Rachel Selking Kathleen Miller Jill Helgeson
Kim Marheine Mary Jane Ripp Cheryl Zautcke
Jenny Knudson Gail Wickman

Guests Present: **Alfred Johnson**, Department of Health Services,
Division of Quality Assurance, Director, Bureau of Assisted Living
Wendy Daniels, Executive Staff Assistant, Division of Quality Assurance,
Bureau of Assisted Living
Janet Zander, Greater Wisconsin Agency on Aging Resources
Cory Steinbrink, Department of Administration, Executive Budget Office
Jody Ullman, Office of Commissioner of Insurance
Jeff Becker, Department of Health Services, Adult Protective Services

Agenda: Approval of agenda as submitted M/S/C Taylor/Brooks

Minutes: Minutes of the May 16, 2018 board meeting were approved as presented. M/S/C Taylor/ Brooks

Legislative Updates: Heather Bruemmer, Executive Director

Ms. Bruemmer spoke on behalf of Christopher McElgunn.

Ms. Bruemmer stated there were no legislative updates as legislation is not in session.

Presentation: Vicki Buchholz, Medigap Helpline Services Supervisor

Ms. Buchholz presented "Fitting the Pieces Together with Medicare." She discussed the complexities of Medicare and the supplemental insurance plans that are available to consumers. Ms. Buchholz spoke in detail about the different types of coverage options and how each may benefit consumers based on individual needs. Ms. Buchholz remarked that consumers should contact the Medigap Helpline Program prior to age 65; to discuss retirement plans and enrollment deadlines. Consumers should contact Medigap Helpline again after age 65, during the Annual Election Period from October through December 7th to discuss health and program changes so that the beneficiary can make informed decisions. The Medigap Helpline Services Programs have helped 1000's of consumers select options that are most suitable for their

needs, however, they have also seen the costly mistakes consumers have made and how those could have been avoided had the beneficiary called the Medigap Helpline for understanding first.

Presentation: Alfred Johnson, Department of Health Services, Division of Quality Assurance, Director, Wisconsin Bureau of Assisted Living

Mr. Johnson provided information about the Bureau of Assisted Living's complaint and licensing trends. Most notable references included:

- There are typically about 250 applications for new licenses consistently waiting for approval; most of these appear to be licenses for 3-4 bed Adult Family Homes.
- Providers wishing to close assisted living residences without notice continue to be problematic, most providers citing financial challenges. Mr. Johnson expressed his appreciation for the work and resources of the BOALTC in this regard.
- Complaints continue to seem most prevalent relative to the provision of care that might appear to be better suited for that provided in a nursing home, continuing to call into question the seemingly high acuity of residents challenged by the inability of some providers to respond adequately to these needs. It was noted that assisted living regulations do not require that providers employ a nurse onsite, nor are caregivers required to be certified nursing assistants.
- Appreciation was expressed to BOALTC for continuing to refer complaints regarding quality of care and quality of life. Mr. Johnson noted that complaints referred by ombudsman have a very high rate of being verified.

Volunteer Services Update: Ms. Miller, Volunteer Services Supervisor

The VOP staff gave several program updates:

Staff are using public service announcements (PSA) to attract and inform potential volunteers in several different locations. They are utilizing TV, newspaper and radio spots.

The VOP has several training classes coming up in the next couple of months. They are looking forward to working with new volunteers.

The VOP has recognized and listened to the suggestions of the volunteers. Working with the facilities, they have been able to implement the recommendations making the lives of the residents a little bit better.

Ms. Miller gave several program updates:

- The Volunteer Ombudsman Program (VOP) has one vacancy in the Steven's Point office.
- The VOP currently supports 90 active Volunteer Ombudsmen. Several Volunteer Ombudsmen cover more than one nursing home, and several nursing homes have more than one Volunteer Ombudsman.
- The Volunteer Ombudsman Program announced coverage will resume in Kenosha County and Racine County immediately. Community networking, outreach and recruitment efforts have been implemented.

- Several initial training classes were conducted in June and July. Ms. Miller evaluated the process and content of training materials. The evaluation resulted in improvements and additional revisions in:
 1. New colored VOP map
 2. Larger font for Abuse Discover Tree
 3. Added acknowledgement form in place of outdated agreement
 4. Revised policy on resignation and removal of a Volunteer Ombudsman
- The Volunteer Ombudsman Program has implemented a new system for tracking potential Volunteers. Each formal application is scanned prior to attendance in the initial training to match up with the completed Background Information Disclosure (BID) form. After that process is complete, photographs of each Volunteer are scanned for identification purposes.
- The Volunteer Ombudsman Program works closely with the Relocation Ombudsman Specialist (ROS) during a nursing home relocation/closure situation in the regions with Volunteer Ombudsman Program. Volunteer Ombudsmen report back to the Board on Aging & Long Term Care on how residents are feeling about their living situation and general information regarding the residents during this time.
- Plans are well underway for the 25th year anniversary of the Volunteer Ombudsman Program. The celebration event will be held in Madison on May 15, 2019. Guests will include Volunteer Ombudsmen, Regional Ombudsmen, Board on Aging Board Members and other special guests.
- The Volunteer Ombudsman program staff will be attending the FOCUS Conference November 14th and 15th, 2018 at the Kalahari Convention Center in the Wisconsin Dells. The agency exhibit booth will also be set up during the two-day conference.
- The Board on Aging and Long Term Care Volunteer Ombudsman Program was selected to participate in a National Evaluation of Ombudsman Programs sponsored by the Administration of Community Living (ACL). The Volunteer Ombudsmen who were selected randomly had the opportunity to complete a survey as a part of the evaluation.
- The Volunteer Ombudsman Program is scheduling Residents Rights in-services for all Volunteer Ombudsmen during the month of October; which has been designated as Residents' Rights Month by the Consumer Voice. Residents' Rights Month honors residents living in long-term care facilities and consumers receiving care in their homes and communities.
- Ms. Miller is planning a staff in-service for September 18th & 19th 2018 in Madison, in accordance with Ms. Marheine, Ombudsman Services Supervisor.

Ms. Miller thanked the Volunteer Ombudsmen who have agreed to extra responsibilities, such as taking on additional facility assignments, acting as a guest speaker during initial trainings, posting recruitment/outreach posters in their neighborhoods, and participating at local outreach events/exhibits with their Volunteer Coordinators.

Medigap Helpline Update, Ms. Buchholz, Medigap Helpline Services Supervisor

Ms. Buchholz provided several program updates:

- The Medigap Helpline Programs call volumes have been on line with last year's number, having 5132 through the month of June.

- **Staffing Updates:** The Medigap Helpline Programs is fully staffed. The programs have received funds for a Limited Term Employee (LTE) Intake Support Staff position for 17 weeks during the 2018 Annual Election Period. The tentative hire date will be mid-September. This will allow training of the LTE to assist with keeping both toll-free lines clear, data entry for counselor assignments, mail assembly and referral calls to appropriate outside resources.

Outreach: Staff have been very active with their outreach efforts. Staff have participated in thirty- four events through June of 2018. The types of events have been Presentations, Senior Fairs and at the County Fairs on “Senior Day”.

- **Program Trends:**

Case New Holland

Medigap staff participated in an outreach event with Case New Holland to discuss changes to their retiree group coverage. About 750 retirees attended the outreach in July. Medigap call volumes increased slightly during July (65 thus far). The numbers are expected to increase as the timeline to have Prescription coverage is in place by August 31st. The timeline to enroll into the 2018 plan for September through December was July 20th. August 31st is the deadline for Part D coverage to be in effect as of September 1st, however, individuals have a 2-month Special Enrollment Period for loss of creditable coverage. The new 2019 option for CNH retirees will be available in October and retirees will have their open season (in November) to elect if they will remain with CNH or switch out for 2019.

- New Medicare Card Rollout

There have been issues with the rollout thus far. Some individuals have received two cards with different sets of numbers on them, making it difficult to know which number the valid number is. The old Medicare numbers should work thru 2019.

- Agency Database

Mediware is adapting to change how information will be uploaded to Administration for Community Living. October 1st is the start of the new upload requirements to allow all closed calls to be transmitted to ACL daily versus monthly as are now uploaded. This will result in more timely information for ACL.

- Medicare and Marketplace Special Enrollment for Equitable Relief

The deadline for persons to enroll into Medicare Part B due to continued Marketplace coverage is ending September 30, 2018. This allows persons who made the decision NOT to enroll into Part B because of the marketplace coverage to be able to enroll and avoid a penalty or to eliminate any penalties they had later incurred. There is a corresponding SEP to enroll into a Medicare Advantage plan and/or Drug coverage. However, there is not a Guarantee Issue to purchase a Medicare supplement unless the person just enrolled into Medicare Part B. Issues however continue with Agents/companies giving out incorrect information.

- New for 2019

New Medicare Advantage OPEN ENROLLMENT PERIOD (MA OEP) which will run from January 1st through March 31st. This is a period where a beneficiary who is already enrolled in a Medicare Advantage plan may decide to switch into another Medicare Advantage plan or back to Original Medicare. This is not for persons who are in Original Medicare or for persons who have PDP only and want to switch to MAPD. This can also be used for those persons who are still within their ICEP with both A&B entitlement. A

corresponding SEP for persons to get or switch their Part D plan if they were in an MA only or MAPD plan to begin with.

Dean Health Cost Plan

The Medigap Helpline has received official communication from Dean Health that it will not end the Medicare Cost Plan (Dean Care Gold). It will be continuing coverage thru 2019 for existing members (estimated 26,000 enrollees in southern Wisconsin). This was allowed due to “competition rules” within a service area. Official notices were sent out to members starting mid-July 2018.

- Highlight

Staff assisted a beneficiary to correct a Medicare enrollment error with Social Security, resulting in coverage for the beneficiary.

Ombudsman Services Update, Ms. Marheine, Ombudsman Services Supervisor

Ombudsman staff shared comments about the trends they are seeing in their work.

- Casework revolves around family dynamics and power of attorney and guardianship issues.

Ms. Marheine gave several program updates:

Monitoring of Rules & Regulations

- Ombudsmen continue to monitor and consult with providers on several rights-based regulatory challenges. Though questions about facility-initiated discharges appear to be less frequent, it would still appear that not all nursing homes may be submitting discharge information as required by the revised nursing home rules. We have been in communication with the Division of Quality Assurance about this issue and continue to provide education to providers via their association conferences and facility-specific in-services.
- Medicaid Level of Care Appeals: Changes last fall regarding MA Levels of Care for nursing home residents have resulted in several requests for assistance in appeals of actions that would require residents found ineligible to move out of their nursing homes. In some cases, it was found that the facility had failed to transmit the required information to Medicaid Services in a timely manner or had provided incomplete resident information.
- Private Room Rate Charges: We continue to work through cases in which a nursing home may offer only private rooms but attempts to charge residents an upcharge that would be the equivalent of the difference between a private and a semi-private room. We have been in discussion with DQA about this issue and are awaiting substantiating documentation.

Workgroups

- BOALTC continues to be represented on both working groups of the Attorney General’s Task Force on Elder Abuse. Both working groups are examining proposals for legislation, training protocols for law enforcement and other first responders, and case studies that illustrate the many complexities around this topic.
- Advocacy for Persons with Criminal Backgrounds is a new workgroup comprised of ombudsmen with a particular interest in the associated rights and access issues noted when persons released from correctional settings are in need of long-term care.

- Audio and Video Surveillance in Long-Term Care Settings is forming a workgroup that will examine the many issues related to the protective surveillance of long-term care facility residents.
- The One of a Kind workgroup has been reviewing and compiling a compendium for ombudsman use for casework related to persons with dementia.
- The Managed Care Contract Review workgroup is reviewing the amendments to the upcoming Family Care contract and will disseminate changes and the appropriate advocacy approaches to the Ombudsman Program staff.
- Personnel: Four of the agency's newer ombudsmen recently completed work toward achieving Tier Two Ombudsman certification, and one ombudsman has completed work toward Tier One Ombudsman Certification. All will be recognized at the agency's Annual Recognition in-service in September.
- Managed Care Casework: Requests for assistance have appeared to be higher than typical across all ombudsman service areas. While most casework is centered on contract-based denials or reductions, a larger than usual number of complaints have been about the attitudes and messaging of MCO teams. This has been communicated to MCO Member Rights staff and to DHS, and attempts are underway to schedule regional meetings with MCO and ombudsman staff.
- IRIS Casework: IRIS advocacy is progressing well, and ombudsmen report having been able to resolve most of cases informally, thus avoiding the State Fair Hearing process. IRIS ombudsmen have been making presentations across the state and have been meeting with a variety of stakeholders to inform them of their availability and the role of an IRIS ombudsman.
- Nursing Home Updates: Eighteen Immediate Jeopardy cites (as compared to 16 in the previous reporting period) have been noted since the May board meeting.
- Assisted Living Updates: We continue to monitor the process of the HCBS (Home and Community Based Services) rule roll-out with residential care providers, relaying regulatory challenges to DQA, as appropriate.
- Closures and Relocations: Several closures remain in process, with concern noted in some rural areas for adequate bed capacity to enable residents to remain in their home communities.

Comments from the Public: No comments from the public were received.

Administrative Report: Ms. Bruemmer, Executive Director (ED)/State Ombudsman

The ED stated that the FY18 budget is closed and will begin work on the FY19 budget. The FY19-21 Biennial Budget is due to the Governor's office on September 17, 2018 by the close of business.

The ED gave several program updates:

- The ED and Legislative Fiscal Bureau (LFB) staff member met with an ombudsman toured facilities in a nearby county. Met with residents in the homes that were toured and discussed their care and treatment. LFB has plans shadow the Medigap staff to learn more about that program and about the counseling services they provide to Medicare beneficiaries.

- The agency has just obtained the new employee photo IDs which were issued by the capital police. The ID's will be distributed to staff at the September in-service.
- The ED, the Counsel to the Board and Board member Mr. Brooks have been having discussions on office security. The Agency will meet with the Capital Police to have them tour the office and provide recommendations.
- The ED has just finished the last of the five Volunteer Ombudsman Program Recognition events. Ms. Bruemmer remarked how inspiring each event was and how each volunteer is truly appreciated.
- Ms. Bruemmer and Mr. McElgunn attended the World Elder Abuse Day held in Appleton with the Attorney General. Guest speaker Mr. Greenwood from San Diego, CA was the guest presenter on "Elder Abuse".
- The ED made a motion to for the board to approve using the Elder Abuse Funds for a speaker at an in-service in 2019. M/S/C Bechtel/ Brooks
- The ED participated in the Certified Nursing Assistant week celebration at a nursing home in DePere. Governor Walker presented a proclamation to celebrate. There are currently over 1800 students enrolled at this time in the WI Caregiver Program.
- The ED received a quote for the upgrade to the agency website. The ED made a motion asking for approval to move ahead with the project. M/S/C Bechtel/ Taylor
- The ED completed work on a nursing home bankruptcy case as the Patient Care Ombudsman. A letter was sent to the judge stating the role as the Patient Care Ombudsman was completed.
- Ms. Bruemmer and Mr. McElgunn met with the Department of Administration Secretary Nowak to discuss and review the agency programs and services.
- The ED was appointed to serve on the "Dementia Summit" taskforce committee and an upcoming meeting has been scheduled to discuss strategies and goals for the State of Wisconsin five-year plan
- The ED commented on the upcoming 25th Anniversary of the Volunteer Ombudsman Program in May of 2019. The ED requested a motion to have the Board Meeting the day before the Anniversary celebration. M/S/C Brooks/Taylor
- The ED made a motion to pursue getting a cost for improved technology for staff. M/S/C Brooks/ Taylor

New Business:

Vicki Buchholz, Medigap Supervisor has requested to attend the SHIP conference.
M/S/C Bechtel/ Brooks, Approved by the Board

SHIP Grant project for “Turning 65” for the Medigap Helpline
M/S/C Taylor/ Brooks, Approved by the Board

State Ombudsman to attend the Consumer Voice Conference in October
M/S/C Taylor/ Brooks, Approved by the Board

Next Board Meeting is October 31, 2018.

Adjournment: Meeting adjourned at 2:30 pm; M/S/C Brooks/ Palarski

Respectfully submitted,
Vicki Tiedeman, Recorder